



POLICY-DOCUMENT

Harassment

New College Policy and Procedure on Harassment

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7. Freedom of speech and academic freedom are protected by law though these rights must be exercised

confidentiality of the process. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.

Procedures

Annexe A: Complaints of Harassment against College Personnel Procedure for Fellows, Academic and NonAcademic Staff.

1. Fellows, Academic and NonAcademic Staff will be referred to as College staff or simply staff.
2. The Procedure below applies in all cases where the person who is the subject of the complaint is a member of College staff.
3. Where the complainant is a student, support during this process will be provided by the Welfare Team (<https://www.new.ox.ac.uk/health>)

seek support from the Welfare Team, the EDU (01865 270760 or harassment.line@admin.ox.ac.uk) against a member of staff, and support will be available to them throughout the complaints process. Staff can seek support from a harassment advisor. If a staff member does not feel comfortable contacting a local advisor in the College, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or [email harassment.line@admin.ox.ac.uk](mailto:harassment.line@admin.ox.ac.uk))

Submission of the complaint

9. In the submission to the Senior Tutor, the complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect of this behaviour on them; and (iii) the resolution they are

Investigation

16. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.
17. As a general rule, the investigator should not have had previous involvement with the issues in the case. The investigation should be concluded as soon as is reasonably practicable. The investigator will prepare a report and may, if specifically requested to do so by the head of department, make recommendations on possible courses of action.
18. The head of department will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action the head of department intends to take; and (iii) of the reasons for any such action.
19. The head of department will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.

Possible outcomes of a complaint

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21.If either party does not accept the outcome of the complaint (including any judgement that the complaint was vexatious), they may invoke the relevant grievance or complaint procedure within the time scales specified in that procedure save that where the decision is to refer the matter for disciplinary action, any matters of dispute will usually be considered as part of that response to the disciplinary proceedings.

Confidentiality

22.Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College, with certain Colleges, or to external bodies.

23. Those to whom disclosure may be made outside the College include the police, the Office of the /v %o v v š iµ] š}œ ~^K/ _• v š Z]À]o v œ]u]v o }µœ š • X d z u š š œ š} š Z %o }o] Á]š Z}µ š š zent, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

24.The College and all those involved in this process must comply with the principles of the Data Protection Act 1998 These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

25. Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.

26.The Bursar should be consulted about filing and retaining any notes and documents, all of which must be held in confidence.

Investigations

27.The procedure for an investigation will normally be as follows, but may be adapted by the investigator to meet the needs of the case:

g. The report will be forwarded to the head of department etc., usually with a copy to the Senior Tutor or HR Manager, and, if the complainant is a student, normally to the coordinators of the Welfare Team and to the Director of Student Welfare and Support Services.

Annexe B: Complaints of harassment against students the Student Procedure

1. This Procedure is designed to deal with student complaints of harassment by other students that arise in a College context. Complaints of harassment brought by students against College staff will be dealt with under the staff Procedure, but with the student
- 2.

Stage 2v The Welfare Team and University support

11. If informal action does not succeed in resolving the situation, it would not be appropriate given the nature of the behaviour, the eo

- x Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties
- x In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.

Appeals Process

24. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may follow the process as laid out in the order below

- a) The student may appeal in the first instance to the Warden who will review the case in consultation with two College Officers. These will not include the Dean, members of the Welfare Team or the Tutors of those students involved in the complaint. Outcomes may include a referral to the Appeals SubCommittee.
- b) The student may then apply to the Office of the Independent Adjudicator for a review of the case. A link for the OIA can be found <https://www.new.ox.ac.uk/deanshandbook>
- c) The student may then apply to the Office of the Independent Adjudicator for a review of the case. A link for the OIA can be found <https://www.new.ox.ac.uk/deanshandbook>

Referrals

25. On occasion, complaints of harassment which should be considered under this Procedure may be made to members of the College other than the Dean or the Welfare Team. In this situation, the complainant should be asked if they would like the case referred to the Dean and/or Welfare Team, so that they can receive support from a trained member of the College.
26. If a student does not wish to seek support and advice, or to make a complaint, under stages 2 or 3 of this Procedure, or if there are queries about the procedure to be followed, members of the College can contact the Director of Student Welfare and Support
27. There may be occasions where a student does not wish to seek support and advice or to make a

30. In addition the Dean and the senior members of the Welfare Team (in consultation with the Director of Student Welfare and Support Services) will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that ~~will~~ have the purpose of limiting contact between students for so long as may be considered reasonably necessary. Further guidance on cases of sexual assault and sexual violence, including support available, is available in Annexe D. Issues including ~~but~~ limited to those around teaching, examinations and accommodation/social activity may need to be considered.

Confidentiality

31. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a ~~need~~ know basis. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College or to external bodies.

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AnnexeC: Sources of advice

1. The sources of advice set out below are available to:
 - x anyone who believes that they may be being harassed, and who wishes to discuss any concerns in confidence
 - x anyone who has been told that their conduct is perceived as harassing.
2. The College has a number of harassment advisers who are

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is monitored and evaluated, can be found [https://edu.admin.ox.ac.uk/internalandexternalsources
of-advice](https://edu.admin.ox.ac.uk/internalandexternalsources-of-advice)

Further guidance on resources in cases of sexual assault or sexual violence is available at
<https://edu.admin.ox.ac.uk/universitypolicy-on-harassment>

Annex Dv Guidance for staff on handling cases of sexual assault or sexual violence

1. The College and University Policies and Procedures on harassment may not be applicable where the allegations are of behaviours that may attract criminal sanctions. In such cases, student members can seek advice from the Dean, the coordinators of the welfare team, the Harassment and Violence Support Service, the Police and/or approach the Police directly; and staff members can seek advice from the Senior Tutor and/or approach the Police directly.
2. The student harassment Procedure states that in the first instance such allegations will normally be a matter for police investigation and action, but that support for any student affected by such an incident may be sought from the Welfare Team.
3. This guidance gives further information to College Fellows and staff (henceforth referred to as staff) on support and contacts for handling cases of sexual assault or sexual violence, and guidance on dealing with such cases.
4. If you are approached by an individual for advice and support in relation to any behaviour which was unwanted and which might have amounted to sexual assault or sexual violence, you should support them in contacting a staff or student advisor with particular welfare responsibilities. These include:

Specially trained
[Harassment Advisors](#) [Harassment and
Violence Support](#)
harassment.line@admin.ox.ac.uk
01865 270760

Oxford Sexual Abuse and Rape
Crisis Centre
01865725311
referrals@osarcc.org.uk

A free and confidential service for survivors who are dealing with the effects of sexual violence, and anyone who is supporting them.

Rape Crisis England and Wales
Freephone 0800 500 2222

A free telephone helpline which can provide advice to women and men.

SurvivorsUK
02035983898

prosecution at any later stage. As well as gathering evidence, important medical treatment can be offered. The individual can contact the police directly or contact the following:

Sexual Assault Referral Centre if the individual does not want to contact the police immediately SARC's have specially trained experienced professionals who can give medical help and advice. They can store forensic results until the individual makes up their mind whether or not to report to the police and can support them through the immediate trauma.

You should always contact the SARC before travelling; whilst they operate a 24 hour service they do need to ensure the relevant staff are available.

You will need to accompany the individual to a SARC or arrange for someone else to do so, and ensure that the individual does not need to pay for transport.

The nearest SARC IS:

Thames Valley SARC Bicester

SOLACE Centre

Police House

Queens Avenue

Bicester

OX26 2NT

Tel: 0300 130 3036

Protect and preserve evidence

13. In the event of a recent assault, the individual should be advised not to:
- Use the lavatory or discard underwear or sanitary products
 - Wash, shower, bathe or shave
 - Wash their hands
 - Remove, wash, discard or destroy clothing worn or bedding and towels used at the time of the incident or subsequent to it
 - Drink or eat anything, including essential medication
 - Clean their teeth
 - Smoke
 - Disturb the scene or allow other people or animals to enter areas where the incident took place, where possible.

Non-physical evidence, such as relevant texts, social media messages and emails should be preserved.

14. If attending a SARC or police station, it is important to bring any underwear or clothing worn at the time of the incident in a plastic bag, if not being worn for the journey. The place of the incident should be made secure if possible.

In the event of an historic incident

15. The guidance in paragraph 11 applies; however it is advisable to telephone the SARC before making a journey to establish whether they are likely to be able to gather any medical evidence.

If the individual decides not to report

16. If the individual decides not to report, their decision should be respected. However it is important that they retain relevant evidence, in so far as this is possible, in case they change their mind in the future.

17. An individual who does not want to go to a SARC or the police, is advised to seek medical attention from their college doctor or nurse, local GP or A&E. The local GUM (Genitourinary Medicine) Clinic can provide morning after pills, tests for STIs and antiretroviral medication.

GUM Clinic

Churchill Hospital
Old Road
Oxford
OX3 7LE
Tel: 01865 231231

Keeping records

18. A member of staff to whom an allegation of sexual assault is made is advised to make a note of what has been disclosed, either in the presence of the individual (with their permission) or as soon as possible thereafter. You may be asked to act as a witness in any criminal proceedings and a contemporaneous note will be valuable. The notes should be stored in accordance with the principles of the [Data Protection Act](#).

B: Supporting the individual

19. If the alleged perpetrator and the complainant are in the same college or department, contact between them will need to be managed, including contact through teaching, examinations, accommodation and other university activities. The [Director of Student Welfare and Support Services](#) can advise and make recommendations to the appropriate bodies on such situations, including cases where a complaint is not made to the police or, following a police investigation, the alleged perpetrator is not charged.

20. You can discuss with the individual how they can be helped to feel safer. This might include making sure they are not in the same area as the perpetrator.

21. You can encourage the complainant to contact a specialist [Advice Service](#) for support. If the complainant would like to speak to someone completely outside the University, you can encourage women to contact the Oxford Sexual Abuse & Rape Crisis Centre and men to contact

D: Sources of support for staff members

26. A member of staff to whom an allegation of sexual assault or sexual violence is made is encouraged to be mindful of their own welfare. Within the University, staff members can contact [Occupational Health](#) (e-mail: enquiries@uohs.ox.ac.uk; telephone: 01865 22676). The College subscribes to the [OxSAC](#) (e-mail: oxsac@ox.ac.uk; telephone: 01865 275000). Outside of the University, staff members can contact the Oxford Sexual Abuse & Rape Crisis Centre, which provides support for supporters as well as survivors.

If you have any comments or questions on this guidance, please contact complaints.line@admin.ox.ac.uk